

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SAMUEL MORRIS OVERSTREET,

Petitioner,

v.

Civil Action No. 5:07CV59
(STAMP)

JOYCE FRANCIS, Warden and
TOM FIGIEL, Camp Administrator,

Respondents.

**ORDER GRANTING AS FRAMED PETITIONER'S MOTION
FOR EXTENSION OF TIME TO FILE OBJECTIONS TO
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On May 8, 2007, the pro se¹ petitioner, Samuel Morris Overstreet, initiated the above-styled civil action. The case was referred to United States Magistrate Judge James E. Seibert for submission of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B). The magistrate judge considered the petitioner's complaint and submitted a report and recommendation on January 2, 2008. Upon submitting this report, the magistrate judge informed the petitioner that if he objected to any portion of the magistrate judge's proposed findings of fact and recommendation for disposition, he must file written objections within ten days after being served with a copy of the report.

On January 17, 2008, the petitioner filed a motion for an extension of time to file objections to the magistrate judge's

¹"pro se" describes a person who represents himself in a court proceeding without the assistance of a lawyer. Black's Law Dictionary 1237 (7th ed. 1999).

report and recommendation. In his motion, the petitioner informs this Court that health reasons prevent the petitioner from timely filing objections to the magistrate judge's report and recommendation. The petitioner requests an extension to March 1, 2008 to file objections.

For good cause shown, the petitioner's motion for an extension of time to file an objection to the magistrate judge's report and recommendation is hereby GRANTED. The petitioner shall file objections to the magistrate judge's report and recommendation on or before March 3, 2008.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the pro se petitioner and to counsel of record herein.

DATED: January 24, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE